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#### REMARKS/ARGUMENTS

Reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above amendments and remarks that follow.

Claims 1-4 and 8-25 are pending in the application. Claim 1 has been amended to incorporate the subject matter of original claim 7. Claims 5-7 have been cancelled herein in order to retain consistency with amended claim 1; however, Applicants reserve the right to pursue the subject matter of the cancelled claims in one or more continuing applications. Claim 8 has been amended to depend from amended claim 1. Claim 25 has been added. The subject matter of new claim 25 is similar to independent claims 1 and 24, and is supported throughout the specification, such as on pages 17-18 and 25. It is noted that claim 25 also includes the subject matter of original claim 7. No new matter is introduced by these amendments.

Claims 1-3, 17, 18, and 23 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,423,336 to Mentzel *et al.* Since claim 1 now incorporates the subject matter of claim 7, which was not implicated by this rejection, Applicants respectfully submit that this rejection is now moot and request reconsideration and withdrawal thereof.

Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-referenced Mentzel patent in view of U.S. Patent No. 3,460,543 to Keith. As noted above, independent claim 1, from which claims 4 and 5 depend, has been amended to incorporate the subject matter of claim 7. Since claim 7 was not implicated in this rejection, Applicants respectfully submit that this rejection has been rendered moot and request reconsideration and withdrawal thereof.

Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-referenced Mentzel patent in combination with U.S. Patent No. 3,101,723 to Seligman *et al.* The Examiner admits that the Mentzel patent fails to teach a filter wherein the tobacco-end section of filter material has a greater particulate removal efficiency than a second filter section spaced apart from the tobacco-end section of filter material. However, the Examiner alleges that the Seligman patent discloses that the particulate removal efficiency of a filter will vary

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depending upon the denier per filament of the filter. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to make a cigarette wherein one section of filter material has a greater particulate efficiency than a second section. Applicants respectfully traverse this rejection.

As noted above, independent claim 1 now recites that the first section of filter material, which is positioned proximal to the tobacco rod, has a greater particulate removal efficiency than a second section of filter material spaced from the first section of the filter material.

Surprisingly, as described in Example 2, the inventors have discovered that a filter comprising a filter segment having a higher particulate removal efficiency proximal to the tobacco rod and ventilation holes positioned closer to the tobacco rod provides greater reduction in certain volatile and semi-volatile mainstream smoke components than a filter having a mouth-end filter segment with greater particulate removal efficiency and ventilation holes positioned proximal to the mouth-end section of filter material (see Example 1). Thus, the combination of the placement of the ventilation holes and the relative particulate removal efficiency of the two sections of filter material described in claim 1 has been demonstrated to result in a cigarette having a surprisingly greater capacity for reducing certain volatile and semi-volatile mainstream smoke components. The cited art fails to teach or suggest a filter comprising the characteristics described above, and certainly fails to predict the surprising results that such a configuration provides.

As noted by the Examiner, the primary reference (Mentzel *et al.*) fails to teach or suggest a cigarette filter wherein multiple sections of filter material have different particulate removal efficiencies. In fact, the Mentzel patent appears to suggest two fibrous filter sections having identical characteristics.

Contrary to assertions made by the Examiner, the Seligman reference fails to overcome the deficiencies of the Mentzel reference. The Seligman reference is directed to a cigarette filter wherein carbon particles are adhered to the surface of a filtering medium by means of a mixture of polyvinyl pyrrolidone and a polyhydric alcohol. In passing, the Seligman reference describes conventional cellulose acetate filtering media, and notes that the denier per filament of such

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media may vary. However, there is absolutely no description in Seligman of a filter comprising two separate fibrous filter sections, wherein each section has a different particulate removal efficiency. There is absolutely no suggestion to combine in a single filter, a first section of filter material having a first particulate removal efficiency and a second section of filter material having a second particulate removal efficiency, wherein the filter section having the higher particulate removal efficiency is positioned at the tobacco-end of the filter. In fact, the Seligman reference does not describe any filter embodiments wherein multiple distinct fibrous filter sections are utilized. As noted in Fig. 1 and Fig. 2, the Seligman filter contains a single filter plug of uniform characteristics.

Thus, even if the subject matter of Seligman and Mentzel is combined in some manner, there is no credible way to view the combined teachings of these references as disclosing the presently-claimed invention. There is simply nothing in either reference to suggest a cigarette filter as presently claimed, which combines placement of ventilation holes in a certain position with a certain relative particulate removal efficiency of two separate sections of filter material. The evidence of surprising results in the present application also weighs heavily against a finding of obviousness. In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 8-10 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-described Mentzel patent in view of U.S. Patent No. 5,331,976 to St. Pierre. Again admitting that the Mentzel patent fails to teach first and second sections of filter material having different filtration characteristics, the Examiner alleges that the St. Pierre patent teaches that denier per filament can be varied without limits during tow production, and concludes that it would have been obvious to modify the teachings of Mentzel by preparing a filter wherein one section has a lower weight per unit length than a second section. Applicants respectfully request reconsideration and withdrawal of this rejection.

As taught in Applicants' specification, one method of providing a filter section having greater particulate removal efficiency as set forth in claim 1 is to provide a filter having a lower weight per unit length. This concept is embodied in claims 8-10 and 24. The sections of the St.

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Pierre patent relied upon by the Examiner do not modify the teachings of Mentzel in any manner that is relevant to the present invention. Applicants are not claiming to have broadly discovered that the denier per filament of cigarette filters can be modified. Instead, the present claims are directed to a particular filter arrangement involving two sections of filter material, an adsorbent material positioned therebetween, and a plurality of ventilation holes in a particular position relative to the adsorbent material. In addition, Applicants are claiming a filter wherein the tobacco-end section of filter material has a greater particulate removal efficiency than a second section of filter material distal from the tobacco-end section.

The very broad disclosure of St. Pierre cannot be credibly viewed as leading one of ordinary skill in the art to modify the Mentzel teachings in order to arrive at the presently-claimed invention. There is simply nothing in the St. Pierre reference that even remotely suggests the filter configuration that is presently claimed. In particular, it is noted that St. Pierre merely mentions the concept of altering denier per filament with absolutely no guidance as to the manner in which denier per filament can be modified to achieve particular filter characteristics. There is certainly no suggestion in St. Pierre that a lower denier per filament should be utilized in the tobacco-end section of a multi-segment filter. As noted above, the evidence of surprising results arising from the claimed filter design also weighs heavily against the propriety of any obviousness rejection. In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 11-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-described Mentzel patent. Applicants respectfully submit that this rejection, which does not implicate claim 7, is rendered moot in light of the amendment of claim 1 to incorporate the subject matter of claim 7. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 19 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the above-described Mentzel patent in view of U.S. Patent No. 5,714,126 to Frund. Again, Applicants note that claim 19 depends from claim 1, which now incorporates the subject matter of original claim

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7, which was not implicated by this rejection. Accordingly, this rejection has been rendered moot and Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-described Mentzel patent in view of U.S. Patent No. 3,658,069 to Wise *et al.* Again, Applicants note that this rejection has been rendered moot by the incorporation of subject matter of claim 7 into claim 1. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

Claims 21-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-described Mentzel patent in view of U.S. Patent No. 6,761,174 to Jupe *et al.* Applicants respectfully note that this rejection has been rendered moot by the incorporation of the subject matter of claim 7 into independent claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.

Tracey S. Wright

01/05/2006

Date